

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ALEX BARRERA FORERO,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>10/26/2022</u>

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

: 19 Cr. 840 (GHW)

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WHEREAS, on or about November 19, 2019, ALEX BARRERA FORERO (the "Defendant"), with another, was charged in a two-count Indictment, 19 Cr. 840 (GHW) (the "Indictment"), with conspiracy to operate an unlicensed money transmission business, in violation of Title 18, United States Code, Section 371 (Count One); and operation of an unlicensed money transmission business, in violation of Title 18, United States Code, Sections 1960 and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offenses charged in Counts One and Two of the Indictment, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about October 26, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), a sum of money

equal to \$164,289 in United States currency, representing property involved in the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$164,289 in United States currency representing property involved in the offense charged in Count One of the Indictment, for which the Defendant is jointly and severally liable with co-defendant David Ortiz Villamizar, to the extent of the forfeiture money judgment entered against Ortiz Villamizar by the Court on May 11, 2022; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Cecilia E. Vogel and Tara M. La Morte, of counsel, and the Defendant ALEX BARRERA FORERO, and his counsel Marc Greenwald, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$164,289 in United States currency (the “Money Judgment”), representing property involved in the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant David Ortiz Villamizar, to the extent of the forfeiture money judgment entered against Ortiz Villamizar by the Court on May 11, 2022, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant ALEX

BARRERA FORERO, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: Cecilia E. Vogel
Cecilia E. Vogel
Tara M. La Morte
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1084 / 1041

10/26/22
DATE

ALEX BARRERA FORERO

By: ALEX BARRERA FORERO
ALEX BARRERA FORERO

10.26.22
DATE

By: Marc Greenwald
Marc Greenwald, Esq.
Attorneys for Defendant
51 Madison Avenue, 22nd Floor
New York, NY 10007

10.26.22
DATE

SO ORDERED:

G. Woods
HONORABLE GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE

October 26, 2022
DATE